

**IN THE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

AEP TEXAS NORTH COMPANY, ET AL.
Plaintiffs

v.

SWEATT INDUSTRIES, INC. d/b/a SENTRY
SERVICES, ET AL.
Defendants

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 6:10-cv-00036

JURY TRIAL REQUESTED

**FIRST AMENDED OPPOSED MOTION FOR LEAVE TO
FILE AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

1. This matter is governed by a scheduling order entered by the Court on August 3, 2010. Pursuant to that Order, the deadline for Plaintiffs to amend their complaint to add additional parties was November 15, 2010. Plaintiffs fully complied with this deadline by filing the First Amended Complaint accordingly.
2. In an abundance of caution, Plaintiffs hereby seek leave, to the extent necessary, to file their First Amended Complaint. This First Amended Complaint does not change any substantive causes of action, but simply adds additional parties pursuant to the joinder deadline as outlined in the Scheduling Order. A copy of the proposed First Amended Complaint is attached hereto as Exhibit "A."

Respectfully submitted,

MOLTZ MORTON O'TOOLE, LLP
106 East 6th Street, Suite 700
Austin, Texas 78701
Telephone: (512) 439-2170
Facsimile: (512) 439-2165

By: 

Brian J. O'Toole
State Bar No. 15340510
R. Steve Morton
State Bar No. 14565290
Janessa Glenn
State Bar No. 50511631

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I hereby certify that on November 16, 2010 my office consulted with William Keith Davis, attorney for Defendant Martin Electric Co., and Mr. Davis indicated that he does not oppose the Amended Motion for Leave to File First Amended Complaint.

I further certify that the other Defendants have either settled with the Plaintiffs and have been dismissed from the lawsuit, or have not appeared in the lawsuit at the time of this filing. It is not possible to confer with them regarding this Amended Motion for Leave to File First Amended Complaint, and the motion is therefore presumed opposed.


Brian J. O'Toole

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following parties on November 17, 2010.



Brian J. O'Toole

Via facsimile

Wm. Keith Davis
Hay Wittenburg Davis Caldwell &
Bale, LLP
PO Box 271
San Angelo, Texas 76902
Facsimile: (325) 655-2278
*Attorneys for Martin Electric Co.,
Inc.*

Via Certified Mail, Return Receipt Requested

Sweatt Industries, Inc. d/b/a Sentry
Services
Delbert L. Sweatt
1217 East Century Avenue
Odessa, TX 79762 -7741

Orson Electric Co.
Robert C. Orson
906 South Main
Andrews, TX 79714

Amanda Hernandez d/b/a AH
Construction
Amanda Hernandez
815 Warehouse Rd.
San Angelo, TX 76903

Buena Vida Apartments
Les Neely
1505 La Fonda Drive
Las Cruces, NM 88001-4446

LG Electronics USA, Inc. f/k/a
Zenith Electronics Corp. of Texas
United States Corporation Co.
211 East 7th St., Ste 620
Austin, TX 78701